

SENATE CHAMBER,  
AUSTIN, TEXAS, Monday, April 24, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senators Dohoney, Gaines and Evans.

Absent—excused—Senator Flanagan.

Prayer by the Chaplain.

On motion of Senator Shannon, Senator Evans was excused from attendance for ten days on account of sickness in his family.

Reading of the journal of Saturday.

Pending the reading of the journal a special message from the Governor, by his private secretary, was announced.

On motion of Senator Pyle, the further reading of the journal was dispensed with in order to consider the message.

#### SPECIAL MESSAGE FROM THE GOVERNOR.

GOVERNOR'S OFFICE,  
AUSTIN, April 22, 1871.

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: I have the honor to inform you that the following named bills have been received by me and approved, to-wit:

"An act supplementary to 'an act to regulate the disposal of the public land of the State of Texas,' " approved March 24, 1871.

"An act to incorporate the Star State Savings Association," approved March 27, 1871.

"An act to incorporate the Callahan Cotton Seed Oil Manufacturing Company of Hempstead, Texas," approved March 27, 1871.

"An act to incorporate the Pine Island Bayou Bridge Company," approved March 28, 1871.

"An act granting to John M. Beard the privilege of constructing and keeping a toll bridge across the Neches river, at the place known as Beard's bridge, on said river," approved March 28, 1871.

"An act for the relief of John G. Boyle," approved March 30, 1871.

"An act to incorporate the Rusk and Harrison County Railway Company," approved March 31, 1871.

"An act to amend an act entitled 'an act to create the county of Delta,' " passed July 29, 1870, approved March 31, 1871.

"Joint resolution requiring the Comptroller of Public Accounts to retransfer to the State revenue account the sum of thirty-five thousand nine hundred and fifty dollars and five cents, heretofore erroneously transferred from said revenue account to the available school fund account," approved March 31, 1871.

"An act to repeal an act entitled 'an act to prevent the sale of vinous, spirituous, or other intoxicating liquors, within one mile of the centre of the town of Alta, in Cherokee county, in the State of Texas,' approved December 11th, 1861," approved March 31, 1871.

"An act amendatory of an act to be entitled 'an act to amend an act prescribing the time of holding the district courts in the several judicial districts in the State, approved August 10, 1870,' approved March 4, 1871," approved April 4, 1871.

"An act giving the consent of the Legislature of the State of Texas to the purchase by the United States of land within this State for public purposes," approved April 4, 1871.

"Joint resolution instructing our Senators and requesting our members in Congress to urge the opening of the Indian country north of Texas to settlement," approved April 4, 1871.

"An act to incorporate the Huntsville Branch Railway Company," approved April 4, 1871.

"An act for the permanent location of the county seat of Hamilton county," approved April 5, 1871.

"Joint resolution asking the Congress of the United States to pass an act giving a pension to the widow and minor children of Capt. William W. Montgomery," approved April 5, 1871.

"An act to provide for the release of children or other persons, citizens of the State of Texas, who are, have been or may hereafter be held as captives by the Indians," approved April 5, 1871.

"An act to provide for the employment of private clerks for the judges of the Supreme Court," approved April 5, 1871.

"An act to incorporate the Tyler Real Estate and Banking Association," approved April 5, 1871.

"An act to authorize Car Forrest to erect a toll bridge over Chambers creek, in Ellis county, Texas," approved April 6, 1871.

"An act for the relief of Henry Koontz," approved April 6, 1871.

"An act to incorporate the Indianola City Railroad Company," approved April 8, 1871.

"An act to incorporate the city of Hearne," approved April 11, 1871.

"An act to incorporate the city of Groesbeck, in Limestone county," approved April 11, 1871.

"An act to incorporate the East Texas Cotton, Woolen and Cotton Seed Oil Manufacturing Company," approved April 12, 1871.

"An act to regulate the keeping and bearing of deadly weapons," approved April 12, 1871.

"An act to authorize A. R. Parsons and J. A. Nelms to erect a toll bridge over Richland creek, in the county of Navarro, Texas," approved April 12, 1871.

"An act to incorporate the Widows', Orphans', and Superannuated Preachers' Aid Society of the West Texas Conference of the Methodist Episcopal Church, South," approved April 12, 1871.

"An act to authorize Matthew Armstrong, his associates and successors, to construct over and keep a toll bridge on White Oak creek, in Hopkins county," approved April 12, 1871.

"An act to incorporate the Kemper City Bridge Company," approved April 12, 1871.

"An act to authorize clerks of the district courts and the justices of the peace of the several counties to issue executions after the adjournment of each term of their respective courts, against the plaintiff or defendant, for costs created by them in any suit therein," approved April 12, 1871.

"An act to incorporate the Cuero Bridge Company," approved April 12, 1871.

"An act to incorporate the Belton Bridge Company," approved April 12, 1871.

"An act to incorporate the Alamo Literary Society of the city of San Antonio," approved April 12, 1871.

"An act to incorporate the Indianola Hook and Ladder Company No. 1, of the city of Indianola," approved April 12, 1871.

"An act to amend an act entitled 'an act to provide for the enrollment of the militia, the organization and discipline of the State Guard, and for the public defense,' approved June 24, 1870," approved April 12, 1871.

"An act to incorporate the Washington County Fair Association," approved April 12, 1871.

"Joint resolution authorizing the Secretary of State to present one Winchester carbine to each of the persons who overtook and killed four of a band of hostile Indians," approved April 12, 1871.

"An act to incorporate the Bryan Bridge Company, and allow them certain privileges therein named," approved April 12, 1871.

"An act to incorporate the Collin County, Texas, Agricultural, Horticultural and Mechanical Association," approved April 12, 1871.

"An act supplemental to and amendatory of 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870," approved April 12, 1871.

"An act to incorporate the Austin Gymnastic Association," approved April 12, 1871.

"An act to authorize G. W. B. T. Davis to erect a toll bridge over Pin Oak creek in Navarro county," approved April 12, 1871.

"An act to incorporate the Agricultural, Mechanical and Blood Stock Association of Jasper, Texas," approved April 12, 1871.

"An act making an appropriation for the payment of the salaries of the officers of the State Penitentiary now unpaid, and other purposes," approved April 12, 1871.

"An act to amend section twelve of 'an act prescribing the times of holding the district courts in the several judicial districts of the State of Texas,' approved August 10, 1870," approved April 12, 1871.

"An act to authorize the county court of Robertson county to levy and collect a special tax for the term of two years to build a court house and jail in the city of Calvert, the county seat of said county," approved April 12, 1871.

"An act to authorize Henry W. Jones, his associates and successors, to construct, own and keep a toll bridge on Sulphur Fork of Red River," approved April 12, 1871.

"An act to incorporate the Liberty county Texas Agricultural and Mechanical Association," approved April 12, 1871.

"An act to incorporate the Falls county Turnpike Road and Bridge Company," approved April 12, 1871.

"An act granting a charter to James A. Mitcham to create, keep and run a ferry boat at the Bazette landing or crossing on the Trinity river in Henderson county and Navarro county," approved April 12, 1871.

"An act for the relief of W. H. Dangerfield," approved April 12, 1871.

"An act to authorize James K. Nelms and John W. Irwin, to erect a toll bridge over Rush creek in the county of Navarro, Texas," approved April 12, 1871.

"An act to authorize T. S. Garrison, to erect a bridge over Atoyac river in Rusk county, Texas," approved April 12, 1871.

"An act to authorize counties, cities and towns, to aid in the construction of railroads and other works of internal improvement," approved April 12, 1871.

"An act to amend an act entitled 'an act to incorporate the Caddo Lake Manufacturing Company,' approved November 1866," approved April 12, 1871.

"An act to incorporate the Tyler Cemetery Association," approved April 13, 1871.

"An act providing for the transfer of certain causes pending in

the District Court of Polk county, from the county of Polk to the county of San Jacinto," approved April 13, 1871.

"An act to establish a ferry across the Sabine river at or near Fredonia, Rusk county, Texas," approved April 18, 1871.

"An act to incorporate the Casino Society of Indianola," approved April 14, 1871.

"An act to provide for the more permanent preservation of the graves in the State Cemetery at Austin, Texas," approved April 14, 1871.

"An act to amend an act entitled 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870," approved April 14, 1871.

"An act to incorporate the town of Burnet, in Burnet county," approved April 14, 1871.

"An act to amend 'an act to incorporate the town of Clarksville, in Red River county,' approved January 31, 1852," approved April 14, 1871.

"An act to incorporate the officers and members of Weatherford Lodge No. 77, I. O. O. F.," approved April 14, 1871.

"An act to incorporate the Houston Gewerbe Verein, city of Houston, Harris county, for benevolent purposes," approved April 17, 1871.

"An act to incorporate the Kaufman County Bridge Company," approved April 17, 1871.

"An act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870," approved April 17, 1871.

"An act to authorize the transmission of criminal process by telegraph, and for other purposes," approved April 17, 1871.

"An act supplemental to an act to provide for the release of children or other persons, citizens of the State of Texas, who are, have been, or may hereafter be, held as captives by the Indians, approved April 5, 1871," approved April 17, 1871.

"An act to incorporate the Hebrew Benevolent Association of Jefferson, Texas," approved April 17, 1871.

"An act to provide for the establishment of the Agricultural and Mechanical College of Texas," approved April 17, 1871.

"An act to incorporate the San Antonio Hebrew Benevolent Association," approved April 17, 1871.

"An act to incorporate the Houston Real Estate and Banking Company," approved April 17, 1871.

"An act to incorporate the Washington County Banking and Insurance Company," approved April 17, 1871.

"An act to authorize the presiding justices of the several counties to perform certain acts for the benefit of idiots and insane persons," approved April 17, 1871.

"An act to invest the principal of the Perpetual School Fund," approved April 17, 1871.

"An act to incorporate the city of Dallas, in Dallas county, Texas," approved April 20, 1871.

"An act for the protection of pecan timber," approved April 20, 1871."

"An act to authorize the city council of the city of New Braunfels to levy and collect a special tax," approved April 20, 1871.

"An act to amend an act entitled 'an act to incorporate the Galveston City Company,'" approved February 5, 1871.

"An act to incorporate the Hebrew Benevolent Society of Bryan, Texas," approved April 20, 1871.

"An act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870," approved April 20, 1871.

Respectfully,

EDMUND J. DAVIS,  
Governor.

Message read and received.

## REPORTS OF STANDING COMMITTEES.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,  
AUSTIN, April 24, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bills No. 259, "An act to incorporate the Lebanon High School, in Collin county, Texas," and No. 371, "An act to incorporate the Parker county Agricultural and Mechanical Association," find the same to be correctly engrossed.

G. T. RUBY,  
P. W. HALL.

Report read and received.

Report of Committee on State Affairs:

COMMITTEE ROOM,  
AUSTIN, April 21, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 362, entitled "An act to incorporate the Young Men's Real Estate, Building and Joint Stock Association of the town of Bryan," after careful consideration, instruct me to report the same back and recommend its passage.

S. W. FORD,  
Chairman.

Report read and laid over under the rules.

Report of Committee on Enrolled Bills:

COMMITTEE ROOM,  
AUSTIN, April 20, 1871.

Hon. DON CAMPBELL,  
President of the Senate:

SIR: Your Committee on Enrolled Bills have carefully examined and find correctly enrolled Senate bill No. 94, entitled "An act to give effect to the several provisions of the Constitution concerning taxes," and to-day presented it to the Governor for his approval.

B. J. PRIDGEN,  
Chairman.

Report read and received.

Reports of Committee on Internal Improvements:

COMMITTEE ROOM,  
AUSTIN, April 24, 1871.

Hon. DON CAMPBELL,  
President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 370, entitled "An act to incorporate the Western Narrow Gauge Company," passed August 4, 1870, have had the same under careful consideration, and beg to report the same back with the following amendment and recommend its passage: Amend section eight by striking out after the word "turn-outs" the word "branches."

W. H. PARSONS,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 24, 1871.

Hon. DON CAMPBELL,  
President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 333, entitled "An act to incorporate the Mississippi and Rio Grande Canal Company," have had the same under careful consideration and beg leave to report the same back and recommend its passage.

W. H. PARSONS,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 24, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee on Internal Improvements to whom was referred Senate Bill No. 288, "An Act to incorporate the East Texas Road Steamer and Transportation Company," have had the same under careful consideration and beg to report the same back, with the recommendation that it do pass.

W. H. PARSONS,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 24, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 350, entitled "An act to incorporate the Galveston and Brazos Navigation Company, approved February 8, 1850, Chapter CXIII," and to amend an act approved December 2, 1850, Chapter XXXI, and to change the title of the first named act to "An act to incorporate the Galveston, Sabine, Corpus Christi and Rio Grande Navigation Company, and to provide aid in the construction of the canal herein contemplated by the State of Texas, and by the counties, cities and towns interested therein," have had the same under careful consideration, and beg leave to report the same back and recommend its passage, with the following amendments:

Amend by adding and numbering in order the following additional sections:

"SEC. —. That all additional rights and franchises granted in this amendment to the original act incorporating said Brazos Navigation Company shall be forfeited by said company unless it shall, within five years from the passage of this act, complete its canal from its place of beginning to Matagorda Bay, and within seven years from the passage of this act to Corpus Christi Bay."

"SEC. —. This act shall take effect and be in force from and after its passage."

W. H. PARSONS, Chairman.

Reports read and laid over under the rules.

COMMITTEE ROOM,  
AUSTIN, April 24, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your committee to whom was referred Senate bill No. 290,



entitled "An act to amend an act entitled 'an act supplementary to an act to incorporate the Victoria and Columbia Railroad Company,' approved August 13, 1870," have had the same under careful consideration, and beg to report the same back with the accompanying substitute, and respectfully recommend the passage of the same.

W. H. PARSONS,

Chairman Committee on Internal Improvements.

Report and substitute read first time.

Substitute for Senate bill No. 290, "An act to amend an act approved August 13, 1870, entitled 'an act supplementary to an act to incorporate the Victoria and Columbia Railroad Company,' approved November 13, 1866."

On motion of Senator Saylor, the rules were suspended to consider the report and bill. Senate bill No. 290 read second time.

On motion of Senator Saylor, the substitute reported by the Committee on Internal Improvements was adopted.

On motion of Senator Pridgen, the further consideration of substitute Senate bill No. 290 was postponed, and the bill made special order for 10:30 A. M. Tuesday.

On motion of Senator Mills, the rules were suspended, to take from file House bill No. 435, "An act to incorporate the city of Huntsville, in Walker county, Texas." Read second time.

On motion of Senator Saylor, the following amendments, reported by the Committee on State Affairs, were adopted:

Amendments to House bill No. 435, by the Committee on State Affairs: Amend section twenty-seven, line four, by striking out the word "hundred" and inserting the word "fifty;" also, line five, by striking out the word "months" and inserting the word "weeks," and the bill passed to a third reading.

On motion of Senator Saylor, the rules were further suspended, and House bill No. 435 read a third time and passed.

On motion of Senator Bell, the rules were suspended to take from file House bill No. 357, "An act making appropriation for the support of the State government for deficiencies for the fiscal year ending August 31, 1871, and for the fiscal year beginning September 1, 1871, and ending August 31, 1872."

Senator Mills moved that the bill be referred to the Committee on Finance.

Senator Bell moved that the bill be made special order for Wednesday next at 10:30 o'clock A. M.

Motion carried and House bill No. 357 made special order for next Wednesday, at 10:30 o'clock A. M.

11 o'CLOCK A. M.

The hour for consideration of special order having arrived Senate bill No. 296, a bill to be entitled "An act to incorporate the Law Department of the Texas University."

On motion of Senator Fountain, the consideration of special order was postponed for fifteen minutes.

By leave, Senator Fountain submitted the following report of the Committee on Printing :

COMMITTEE ROOM,  
AUSTIN, April 24, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Printing, to whom was referred Senate bill No. 365, entitled "An act supplementary to and amendatory of 'an act regulating public printing,' approved August 3, 1870," instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,  
Chairman.

I dissent from the above recommendation.

Respectfully,

J. P. DOUGLASS.

Report read and laid over under the rules.

Message from the House by the Chief Clerk, informing the Senate the House had passed substitute Senate bill No. 35, "An act to amend an act entitled 'an act to incorporate the city of Columbus, and for other purposes,' approved August 5, 1870."

Senate bill No. 272, "An act to organize and incorporate the Sherman and Red River Railroad Company."

Senate bill No. 341, "An act authorizing and requiring the sheriffs of the several counties of this State to pay certain claims."

Senate Bill No. 368, "An act amendatory of and supplementary to 'an act to give effect to the several provisions of the Constitution concerning taxes.'"

Senate Bill No. 220, "An act to incorporate the Calvert and Belton railroad company."

Senate Bill No. 121, "An act providing that all fees or costs of peace officers shall be taxed and payable in United States currency," informing the Senate that the House recede from their amendments thereto.

Senate bill No. 301, "An act to reincorporate the city of Navasota, Grimes county, and to grant a new charter to said city, and to repeal 'an act approved, incorporating city of Navasota, in Grimes, October 27, in the 1866,' and to grant a new charter of incorporation to said city," with the following amendments :

Amend caption to read as follows: "An act to reincorporate the city of Navasota, Grimes county, and to grant a new charter to said city, and to repeal 'an act approved October 27, 1866, incorporating the city of Navasota.' "

Amend section six, line three, by striking out "1872," and insert "1873."

Also without amendments, Senate bill No. 218, "An act to amend an act entitled 'an act to consolidate in one act, and amend the several acts incorporating the city of Houston, in Harris county, passed August 2, 1870.' "

Senate joint resolution No. 12, "Joint resolution proposing an amendment to section six, of article ten of the Constitution of the State of Texas," with the following amendment: add "*provided*, that the Legislature shall not grant out of the public domain more than twenty sections of land for each mile of completed work in aid of the construction of which, land may be granted; *and provided further*, that nothing in the foregoing proviso, shall affect any rights granted or secured by laws passed prior to the final adoption of this amendment.

Senate joint resolution No. 5, "Joint resolution proposing amendments to section two, section three, and section four, of article five of the Constitution of the State of Texas" informing the Senate that the House had rejected the same.

Also, transmitting for concurrence House bill No. 505, "An act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean." Read first time and referred to the Committee on Internal improvements.

Also, House concurrent resolution No 7, "Authorizing the Speaker of the House of Representatives and President of the Senate to declare a recess of their respective bodies."

The House has agreed to Senate amendments to the following House bills:

House bill No. 198, "An act appropriating money for furnishing the Comptroller's building."

House bill No. 518, "An act to incorporate the town of Ledbetter, county of Fayette."

House bill No. 14, "An act to incorporate the Casino Society of Victoria."

House bill No. 13, "An act to incorporate the Gymnastic Association of Yorktown."

House bill No. 60, "An act to incorporate the town of Cleburne, in Johnson county."

House bill No. 208, "An act to incorporate the Little Brazos River Bridge Company."

House bill No. 267, "An act in relation to the Atlantic and Pacific Railroad Company."

House bill No. 217, "An act to incorporate the town of Daingerfield, in Titus county."

House bill No. 415, "An act to incorporate the city of Marshall, and to grant a new charter to said city."

House bill No. 216, "An act to incorporate the town of Mount Pleasant, in Titus county."

House bill No. 433, "An act for the relief of S. B. Reid."

Under direction of the President, the Secretary carried to the House for signature of the Speaker the following enrolled Senate bills:

Senate bill No. 230, "An act to incorporate the officers and members of the Grape Vine Lodge No. 288 Free and Accepted Masons."

Senate bill No. 157, "An act to incorporate the Dallas Gas Company."

Signed by the Speaker, returned to the Senate and signed by the President.

### BILLS AND RESOLUTIONS.

By Senator Fountain: a bill (Senate bill No. 374) to be entitled "An act to amend the Penal Code for the State of Texas." Read first time and referred to the Committee on Judiciary.

Also, a bill (Senate bill No. 375) to be entitled "An act to amend the Code of Criminal Procedure for the State of Texas." Read first time and referred to Committee on Judiciary.

Hour for postponed special order, Senate bill No. 296, on motion of Senator Douglass, the consideration of the bill was further postponed until the morning call should be finished.

On motion of Senator Shannon, the vote of Saturday, by which Senate bill No. 233, "An act to incorporate the Stock Traders' Bank," was passed, was reconsidered.

On motion of Senator Shannon, the following amendments reported by the Committee on State Affairs were adopted: Amend section one, lines sixteen and seventeen, strike out the following words, "issue bank bills;" and amend section three, line eight, strike out all after the word "stock" down to and including the word "stock" in line eleven.

On motion of Senator Ruby, the bill was ordered to be re-engrossed.

On motion of Senator Cole, Senate bill No. 233 was read third time and passed as amended.

Senator Ruby rose to a question of privilege and moved that a committee of conference be appointed to confer with a like committee on the part of the House on House amendments to Senate bill No. 29, "An act to incorporate the Texas Cotton Spinning and Manufacturing Company."

The President appointed on such committee Senators Ruby and Shannon.

The following House bills were taken from file, read first time and referred as follows :

To the Committee on Education :

House bill No. 39, "An act to prohibit the sale or distribution of spirituous, vinous or other intoxicating liquors within certain limits of the Grapevine Masonic Institute, in the town of Grapevine, Tarrant county, Texas."

House bill No. 145, "An act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within three miles of Baylor University, in Washington county."

House bill No. 225, "An act to prohibit the sale of intoxicating liquors within certain limits of the High School at Edom, Van Zandt county, Texas."

House bill No. 301, "An act to incorporate Rockwall Institute, in the county of Kaufman."

House bill No. 597, "An act to incorporate the Prairie Valley Academy, Hill county, Texas."

House bill No. 598, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Mansfield College, Tarrant county."

To the Committee on Public Buildings :

House bill No. 88, "An act to provide for the completion and control of the Supreme Court buildings, library, etc."

To the Committee on State Affairs :

House bill No. 166, "An act to incorporate the Germania at Fayetteville."

To the Committee on Internal Improvement :

House bill No. 476, "An act to incorporate the Galveston and Colorado Railway Company."

House concurrent resolution No. 7, "Concurrent resolution authorizing the Speaker of the House of Representatives and President of the Senate to declare a recess of their respective bodies."

Senator Bell moved that House concurrent resolution No. 7 be laid on the table.

Yeas and nays called for, and motion to lay on the table lost by the following vote :

Yeas—Bell, Pickett, Rawson, Shannon—4.

Nays—Mr. President, Baker, Bowers, Cole, Douglass, Ford, Fountain, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Ruby, Tendick—18.

Senator Parsons moved that House concurrent resolution No. 7 be referred to a select committee of three. Carried.

The President appointed as such committee Senators Parsons, Fountain and Baker.

### BILLS AND RESOLUTIONS.

By Senator Douglass: a bill (Senate bill No. 376) to be entitled "An act to establish a ferry across the Sabine river, at or near Red Rock, county of Upshur." Read first time and referred to Committee on Roads, Bridges and Ferries."

Also, a bill (Senate bill No. 377) to be entitled "An act to incorporate the Banking, Insurance and Mutual Aid Association of Texas." Read first time and referred to Committee on State Affairs.

### UNFINISHED BUSINESS.

House bill No. 4, "An act to encourage stock raising and for the protection of stock raisers."

On motion of Senator Fountain, the following amendments reported by the Committee on Stock and Stock Raising were adopted:

Amend section ten, line five, by striking out the words "and payable;" also, amend by adding to said section the words "said fine to be paid into the county treasury."

Amend section eleven, line six, by inserting after the word "defaced," the words "not his own;" also, same line, strike out the words "and payable;" also, line seven, insert after the word "act" the words "said fine to be paid into the county treasury."

Senator Bowers moved a call of the Senate. Call sustained.

Absent—Senators Baker, Dohoney, Hall and Gaines.

Absent---excused---Senators Evans and Flanagan.

On motion of Senator Mills, Senator Gaines was excused.

On motion of Senator Ruby, the call was suspended.

Consideration of House bill No. 4 resumed.

On motion of Senator Fountain, the following amendments reported by the Committee on Stock and Stock Raising were adopted:

Amend section twelve, line six, by striking out the words "and payable;" also, amend by adding to said section the words "said fine to be paid into the county treasury."

Amend section thirteen, line five, by striking out the words "and payable;" and amend same section by adding to the section the words "said fine to be paid into the county treasury"

Amend by striking out section fourteen entirely.

Senator Shannon moved to amend section fifteen by striking out the word "twelve" and inserting in lieu thereof "twenty-four." Amendment adopted.

On motion of Senator Fountain, the following amendments reported by the committee were adopted:

Amend section sixteen, line two, by striking out the words "wherein he has no stock," and inserting after the word "driving" the word "marking;" also, line four, by inserting after the word "description" the words "not his own;" also, line thirteen, by inserting after the word "driving" the word "marking."

On motion of Senator Fountain, the following amendment to the amendment to section sixteen was adopted:

Section sixteen, line four, after the words "not his own" insert "without the written consent of the owner."

12 O'CLOCK M.

The hour having arrived for consideration of the special order, Senate bill 221, "An act to be entitled an act to enforce compliance by public carriers with the provisions of section twenty-one, article one, of the Constitution."

On motion of Senator Ruby, the consideration of special order was postponed until the matter under consideration be disposed of.

Senator Fountain moved that the further consideration of House bill No. 4 be postponed and the bill be made special order for 12 M. to-morrow, and one hundred copies printed for the use of the Senate. Carried.

Special order Senate bill No. 221 resumed. Read second time, ordered engrossed and passed to a third reading.

Senator Ruby moved that the vote by which the bill was ordered engrossed be reconsidered. Carried.

Senator Bowers moved that the bill be recommitted to the Committee on Judiciary.

Yeas and nays called for, and motion to recommit lost by the following vote:

Yeas—Bowers, Broughton, Cole, Douglass, Latimer, Pettit, Pickett, Pyle, Shannon—9.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Senator Douglas offered the following amendment: amend section

two, line one, add after the word "carriers" the words "hotel keepers," also in line five, after the word "passengers" the words "or accommodating guests."

Senator Ruby moved that the amendment be rejected.

Yeas and nays called for and the amendment rejected by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Ford, Fountain, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—23.

Nays—Douglass—1.

Senator Fountain offered the following amendment, which was adopted: section two, line five, after the word "passengers" insert "on account of race, color or previous condition."

Senator Ruby offered the following amendment, which was adopted: amend section two, line four, by striking out the word "distinctions" and inserting in lieu thereof the word "exceptions."

Senator Bowers offered the following amendment, which was adopted: "*provided*, nothing herein contained shall be so construed as to prevent conductors of railroads from assigning particular cars, or steamboat captains from assigning particular portions of their boats for the exclusive occupation of ladies and persons accompanying them."

On motion of Senator Ruby, the following amendment reported by the Committee on Judiciary was adopted: Amend section two, line six, by inserting after the word "punished" the words "on conviction."

Senator Ruby moved the engrossment of the bill.

Yeas and nays called for, and motion carried by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—16.

Nays—Bowers, Broughton, Cole, Douglass, Latimer, Pickett, Pyle, Shannon—8.

On motion of Senator Parsons, the rules were suspended to take from file Senate bill No. 333, "An act to incorporate the Mississippi and Rio Grande Canal Company," and on further motion Senate bill No. 333 was made special order for Wednesday next at 12 M.

On motion of Senator Mills, the rules were suspended to take from file Senate bill No. 301, "An act to reincorporate the city of Navasota, Grimes county, and to grant a new charter to said city and to repeal an act approved incorporating city of Navasota, October 27, in the year 1866, and to grant a new charter of incorporation to said city."



On motion of Senator Mills, the amendments reported by the House were concurred in.

On motion of Senator Latimer the rules were suspended to take from file House bill No. 135, "An act to incorporate the town of Linden, Davis county." Read second time and passed to a third reading.

On motion of Senator Bowers, the rules were further suspended and House bill No. 135 was read third time and passed.

On motion of Senator Hall, the rules were suspended to take from file House bill No. 6, "An act to incorporate the town of Fairfield in Freestone county."

On motion of Senator Hall, the Senate receded from the following amendment which the House refused to concur in: amend section thirteen by striking out all after the word "passage," in line thirteen.

Report of Committee on Enrolled Bills:

COMMITTEE ROOM,  
AUSTIN, April 22, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee on Enrolled Bills have carefully examined and find correctly enrolled the following Senate bills: No. 163, entitled "An act to incorporate the Central Bank;" No. 57, entitled "An act to prescribe the manner in which cases shall be tried in the Supreme Court of the State of Texas when one or more of the judges may be disqualified by having presided at the trial of such case in the district or lower court, or from any other cause;" No. 228, entitled "An act for the relief of Thomas G. Davidson;" No. 130, entitled "An act to prohibit the sale of intoxicating or spirituous liquors in the immediate vicinity of the town of Circleville, Williamson county, Texas;" No. 59, entitled "An act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870;" No. 97, entitled "An act authorizing Thomas C. Ready to erect a toll bridge over the Cow Leach fork of Sabine river, in Hunt county, Texas;" No. 216, entitled "An act to incorporate the town of Socorro, in El Paso county;" and No. 22, entitled "An act to incorporate the Johnson's Point Male and Female Seminary," and to-day presented them to the Governor for his approval.

B. J. PRIDGEN, Chairman.

Report read and received.

On motion of Senator Pyle, the rules were suspended to take from file House Bill No. 399, "An act to incorporate the town of Waxahatchie in Ellis county." Read second time.

On motion of Senator Pyle, the following amendments, reported by the committee on State affairs, were adopted: amendments of Committee on State Affairs to House bill No. 399: amend section three, line three, by striking out the words "six months" and inserting the words "thirty days," and the bill passed to a third reading.

On motion of Senator Saylor, the rules were further suspended and House Bill No. 399 read third time and passed.

By leave, Senator Parsons introduced a bill (Senate bill No. 378) to be entitled "An act to be entitled 'an act to amend the fourth and fifth sections of an act entitled an act to incorporate the Galveston and Denver city air line railway company, and to promote the construction of the same.' Approved 1871."

Senator Bowers suggested the point of order that as the bill to which the one just presented is supplemental is still pending before the Senate, which fact appears by the face of the bill and the records of the Senate, the introduction of the bill at this time is out of order. The Chair ruled the point of order not well taken, and held that any original bill containing matter proper to be brought before the Senate, no similar bill having been before introduced and rejected, or indefinitely postponed, was in order.

Senate bill No. 378 read first time, and referred to Committee on Internal Improvements.

On motion of Senator Shannon, Senator Dohoney was excused from attendance for the day on account of sickness in his family.

Senator Douglass offered the following resolution, which was adopted: *Resolved*, That the Chairman of the Committee on Enrolled Bills be authorized to employ such assistants for enrolling as may be necessary to do the work, and that the Secretary be authorized to issue certificates for the payment of the same, and for such assistance as has already been rendered.

On motion of Senator Hall, the Senate at 1:20 P. M. adjourned to 10 o'clock A. M. to-morrow

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